

Application No. 09/864,525

TELEPHONE INTERVIEW SUMMARY

Applicant and its undersigned representative thank the Examiner for the courtesy extended during the telephonic interview of January 4, 2008. In the interview, proposed new claims were discussed relative to the Ayed patent, and to U.S. Patents. No. 7,099,835 and 6,028,537. The Examiner indicated that further searching would be needed to examine aspects of the proposed claims; therefore, no agreement was reached. This Amendment substantially reflects the proposed claims discussed in the Interview.

Application No. 09/864,525

REMARKS

Claims 127-146 are pending. By this Amendment, claims 1-126 are cancelled and new claims 127-146 are added.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 122-126 have been rejected under 35 U.S.C. 102(e) as being anticipated by Ayed (US 6,756,913). By this Amendment, the rejected claims are cancelled. Insofar as the grounds for rejection apply to pending claims 127-146, those rejections are respectfully traversed for at least the reasons provided below.

Applicant respectfully points out that Ayed does not disclose every limitation for each pending claim. For instance, Ayed fails to disclose an auction management system that solicits and receives bids from prospective service providers in response to a customer bid request as claimed in claims 127-146.

Ayed discloses a taxi dispatch method based on GPS information indicating a position of a customer and a position of a taxi. The dispatch system collects, stores, and updates information indicating the location and availability of a plurality of taxis, and selects a taxi based on a location specified by a customer request. A particular taxi is available to the system for selection when the meter is not running, indicating that the taxi is available for service.

Ayed is not instructive of the approach claimed in claim 127, which includes receiving, by an auction management system, a bid request for bids and executing an auction program that automatically solicits bids responsive to the bid request over a communication network and, further, receiving, by the auction management system, bids in response to the auction program.

Application No. 09/864,525

Similarly, Ayed does not teach or suggest the invention of claim 136, which requires an auction server programmed to receive a bid request for bids on providing a service, execute an auction program that automatically solicits bids responsive to the bid request, and receive bids in response to the auction program.

Ayed is silent as to automatically soliciting and receiving a bid in response to a customer initiated bid request as included in independent claims 127 and 136. For example, Ayed states, "In step 62, the server *maintains* the locations of empty taxis. Mobile data terminal 18 resides in a taxi and *periodically verifies* if the taxi is available. If the taxi is available, it sends the GPS position information to server 40. Server 40 verifies if the taxi is already in the list of available taxis. If it is, the server *updates* the status and position information of the taxi, otherwise, the server adds it to the list." (Ayed: column 5, lines 2-9 [emphasis added]). Therefore, Ayed discloses a dispatch system that merely receives, stores, and maintains positional information from a taxi, and creates and maintains a list of available taxis. In order to match a taxi to a customer, the system uses stored information. It does not receive any information that can fairly be considered bid information that is solicited and received in response to a customer bid request as included in claims 127 and 128.

Ayed also fails to teach or even suggest providing current situational information to the auction management system specific to the prospective service provider other than positional information, as required in claims 127 and 136. Ayed discloses a mobile data terminal that sends taxi GPS information when it determines that the taxi is available; however this is not tantamount to sending current situational information, as included in the claims 127 and 136. Ayed also discloses use of traffic or "topological and geographical" data in determining time of

Application No. 09/864,525

arrival to a particular location for a certain taxi. Such information is not specific to a prospective service provider, as claimed in claims 127 and 136.

The Ayed system therefore does not provide some of the advantages offered by the present invention, such as, for example, taking into account information such as an expected duration of a taxi's mission, or whether a particular taxi is being fueled or the driver is on a break until a certain time.

For at least the reasons stated above, Ayed cannot fairly be construed to disclose receipt of a "bid" that includes "current situational information specific to a prospective service provider" as included in claims 127 and 136. Therefore, a *prima facie* case for anticipation cannot be maintained on the basis of Ayed with respect to independent claims 127 and 136. Because each of claims 128-135 and 137-146 further limits its corresponding base claim, these dependent claims are also believed to be allowable. Withdrawal of the rejections is respectfully requested.

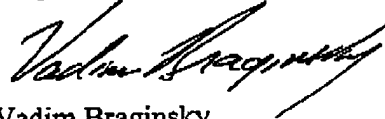
Application No. 09/864,525

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Vadim Braginsky
Registration No. 58,031

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 252-1542